

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**AMERICAN GUARANTEE AND LIABILITY
INSURANCE COMPANY**

PLAINTIFF

VS.

CIVIL ACTION NO. 3:04cv945 WSU

EMERSON ELECTRIC CO.

DEFENDANT

AGREED ORDER OF DISMISSAL WITH PREJUDICE

This matter comes before the Court on the joint *ore tenus* motion of the Plaintiff, American Guarantee Insurance Company and Defendant, Emerson Electric Co. to dismiss the claims of the Plaintiff with prejudice. The Court having considered this motion finds that it is well-taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that this case is hereby dismissed with prejudice, with each party to bear their own costs.

SO ORDERED this the 29th day of December, 2005.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE

APPROVED AND AGREED:

/s/ A. La'Verne Edney
A. La'Verne Edney
Attorney for Plaintiff
American Guarantee and Liability Insurance Company
Bar No: 10426

/s/ James R. Silverstein
James R. Silverstein, T.A.
Attorney for Defendant
Emerson Electric Co.
Bar No: 41598